

### **REMARKS**

This responds to the Office Action mailed on March 16, 2005, and the references cited therewith.

Claims 1, 16, 17, 18 and are amended, claims 8, 12, 13, 34 and 35 are canceled, and as a result claims 1-7, 9-11 and 14-33 are now pending in this application.

### **Claim Objections**

Claim 16 and 17 were objected to because of informalities.

Claims 16 is objected to because it is dependent upon itself. Claim 17 recites the content formatted as CD, DVD, electronic book or software which are not data formats.

Claims 16 and 17 have been amended to correct the informalities.

### **§102 Rejection of the Claims**

Claims 1-7, 9, 14-24, 26 and 31-33 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,804,825 to White et al.

The White patent 6,804,825, cited by the Examiner, does not describe a plurality of remote clients located in rooms of the establishment and linked to the digital content server wherein the remote clients comprise two or more of a television, compact disc player, video disc player, video cassette recorder, radio, and game system ; and

a portable remote control that includes a display and circuitry for establishing a wireless link for communicating with each of the remote clients and selecting the digital content stored in the digital content server wherein the digital content is encrypted and at least one of the digital content server and the plurality of remote clients includes decryption circuitry for unlocking the digital content and further wherein the remote control contains a key code, and wherein the decryption circuitry receives the key code from the remote control and unlocks the digital content if the key code is associated with an unlock code in the digital content.

The White patent does not describe a plurality of remote clients that include two or more of the remote clients claimed. Column 2 lines 57-60 described each client terminal as “enhanced WebTV terminal.” Also, the White patent describes a remote control that is “generally conventional” (col. 3., lines 28-30). The portable remote control claimed includes a display and circuitry for establishing a wireless link for communicating with each of the remote clients, features which are not described in the White patent. Furthermore, the White patent does not describe encryption of the digital content, decryption circuitry, or a remote control with a key code.

Because the White patent does not include each and every element of the amended claims, the White patent does not anticipate the claims.

#### §103 Rejection of the Claims

The Examiner has rejected claims 8 and 25 as being unpatentable over White in view of Allport 6,104,334. Differences between the claimed invention and the White patent are described above. The Allport patent describes a remote control device that takes content from a variety of physical sources and sends to devices of an end consumer. The claimed invention takes content from “a digital content server for storing digital content acquired from a global computer network.” Additionally, the Allport device does not include the feature that the digital content is encrypted and at least one of the digital content server and the plurality of remote clients includes decryption circuitry for unlocking the digital content and further wherein the remote control contains a key code, and wherein the decryption circuitry receives the key code from the remote control and unlocks the digital content if the key code is associated with an unlock code in the digital content.

Furthermore, other than using the claimed invention as a guide, it is not clear what features described in either of the White or Allport patents would suggest combination of the references. The Applicant requests that the Examiner provide support within the references for combination.

Claims 10, 11, 27 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over (U.S. Patent No. 6,804,825) White et al. as applied above in view of (U.S. Patent No. 6,401,059) Shen et al. The Shen et al. reference describes using a PDA to store IR control information for a television or VCR, received from a webpage on the Internet. There is no suggestion that the PDA could be used in the distribution system claimed. Also, the Shen et al. reference does not include the decryption features claimed.

The Examiner has rejected claims 12, 13, 29, 30, 34 and 35 in view of White and Waggamon et al. , 6,667,684. The Waggamon et al. reference describes a remote control for opening a garage door or a gate. There is no suggestion in the Waggamon et al. reference of how it could be combined with the system claimed. It is only by use of the claimed invention as a guide could the Examiner have cited the reference. Additionally, the Waggamon et al. reference does not include a remote control (that) contains a key code, and wherein the decryption circuitry receives the key code from the remote control and unlocks the digital content if the key code is associated with an unlock code in the digital content.

Thus, the Waggamon et al. reference does not render the claimed invention obvious.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6976 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JOHN J. GIOBBI

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6976

Date 26 May 05

By Jl m. Kalis  
Janal M. Kalis  
Reg. No. 37,650

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26<sup>th</sup> day of May, 2005.

PATRICIA A. HULTMAN

Name



Signature